

State of Utah

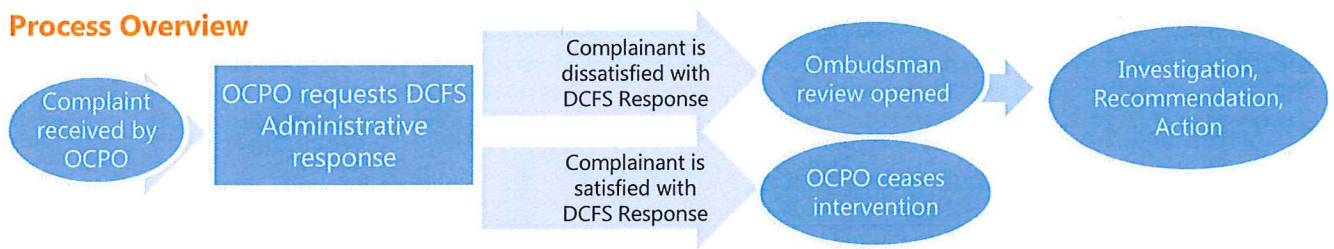
**Office of Child
Protection
Ombudsman**
Annual Report FY 2015

OFFICE OF CHILD PROTECTION OMBUDSMAN ANNUAL REPORT FY 2015

Executive Summary

The mission of the Office of Child Protection Ombudsman is to investigate consumer complaints regarding the Division of Child and Family Services and assist in achieving resolution as well as promoting changes that will improve the quality of services provided to the children and families of Utah.

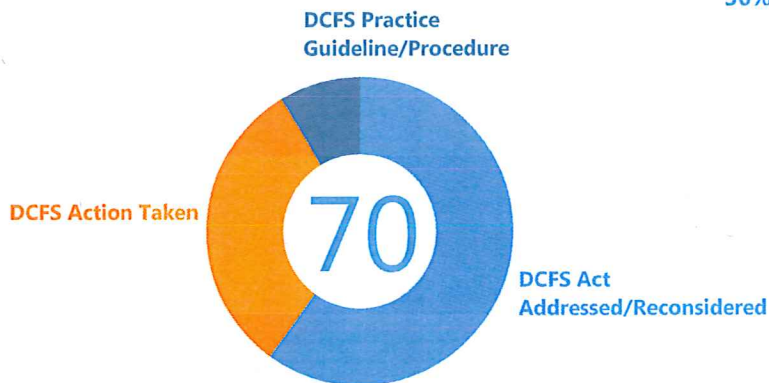
Process Overview



In FY 2015, the Ombudsman's Office achieved measureable action from 356 received complaints. This action included further investigation of 56 percent of all complaints that resulted in recommendations including employee training, policy modification or development and reconsideration of current methods. Other key FY 2015 Annual Report findings include:

356 complaints

353 five-year average



Recommendations made

42%
Concerns identified internally

INTRODUCTION

History

In January 1996, the Executive Director of the Utah Department of Human Services (DHS) created the Office of Child Protection Ombudsman (OCPO), independent from the Division of Child and Family Services (DCFS), where the public could report concerns about cases under DCFS jurisdiction. In 1998, the Utah Legislature codified the role and authority of the Ombudsman's Office by enacting Section 62A-4a-209 of Utah Code, which authorizes the Ombudsman access to all of the Department's written and electronic records and databases.

Purpose

The DHS Ombudsman's Office exists to investigate and help settle individuals' complaints regarding DCFS. The Ombudsman's Office is the only independent office in State government where complainants can express their concerns about child welfare cases.

Responsibility

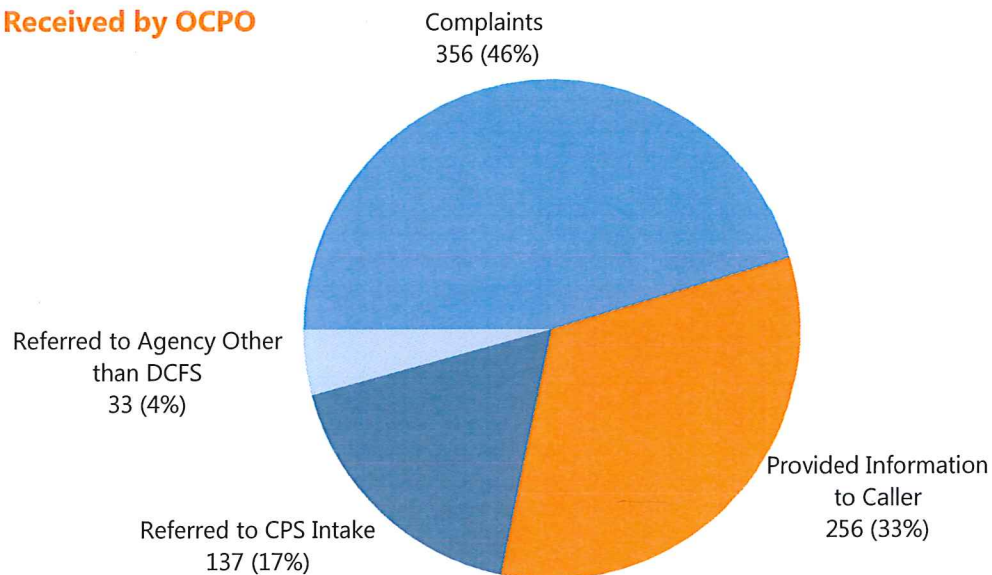
Ombudsman's Office staff members utilize their knowledge of Utah child welfare law and DCFS Practice Guidelines to educate complainants and the general public. Often, individuals' basic understanding of child welfare processes and procedures increases as a result of contact with the Office and concerns are alleviated due to open communication. The Office objectively investigates whether DCFS acts in accordance with Utah Law and DCFS Practice Guidelines. Operating as a small, efficient office, the well-qualified staff members offer a high standard of service to the individual consumer, as well as DCFS.

INTAKE PROCESS

In FY 2015, the Ombudsman's Office received 782 calls. Of those 782 calls, 356 were complaints processed as OCPO Intakes (46%). Of the remaining 426 calls, 256 callers (33%) were provided with child welfare resources or DCFS employee contact information, 137 callers (17%) were referred to Child Protective Services Intake, and 33 callers (4%) were referred to an agency other than DCFS to address their complaint (Chart 1).

**Total Calls Received by OCPO
FY 2015**

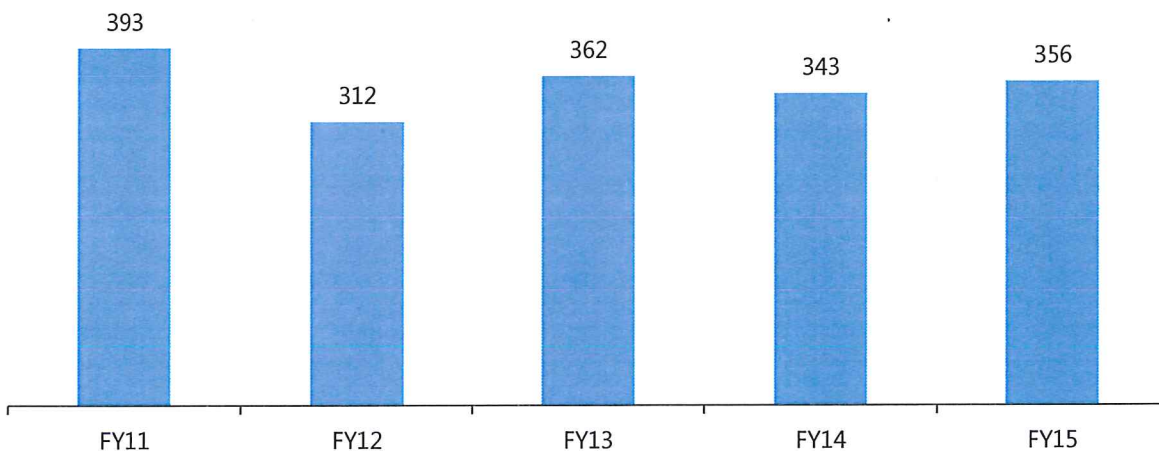
Chart 1



Over the last five years, the Ombudsman's Office received an average of 353 complaints during each fiscal year (Chart 2). During FY 2015, 356 complaints were received by the Ombudsman's Office.

**Total Complaints Received By OCPO
FY 2015**

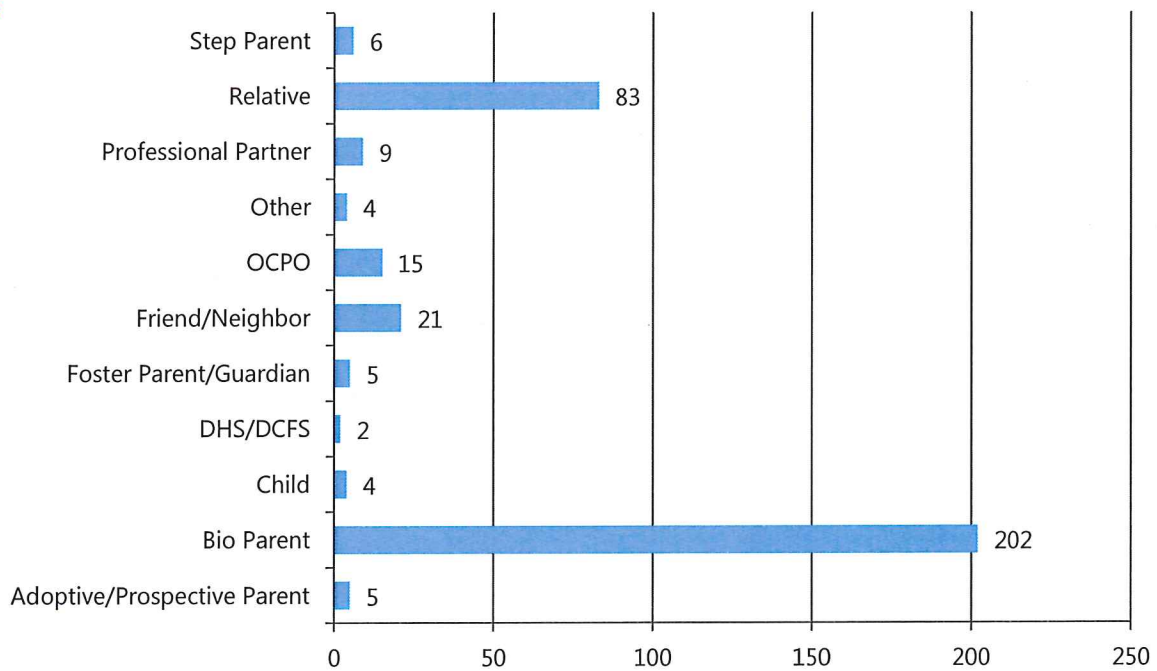
Chart 2



Most complaints to the Ombudsman's Office were from biological parents (57%). Relatives (23%) and Friends/Neighbors (6%) round out the top three sources of complaints to the Ombudsman's Office. About eight percent of complaints were initiated by professionals involved in the child welfare system (OCPO 4%, Professional Partner 3%, Foster Parent >1%, DHS/DCFS <1%). Professional Partners include individuals employed in education, mental health, law enforcement and other fields connected to the child welfare system (Chart 3).

Intake Source FY 2015

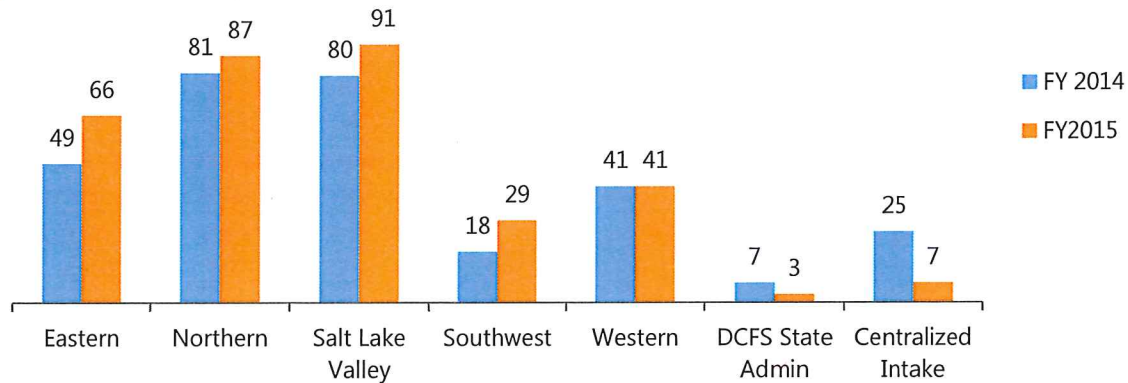
Chart 3



DCFS is divided into five geographical regions. The Eastern Region serves Carbon, Daggett, Duchesne, Emery, Grand, San Juan and Uintah counties. The Northern Region serves Box Elder, Cache, Davis, Morgan, Rich and Weber counties. The Salt Lake Valley Region serves Salt Lake and Tooele counties. The Southwest Region serves Beaver, Garfield, Kane, Iron, Piute, Sanpete, Sevier, Washington, and Wayne counties. The Western Region serves Juab, Millard, Utah, Wasatch and Summit counties. Chart 4 illustrates the total number of complaints received by each DCFS Region. In addition, the Ombudsman's Office processed 32 intakes that were non-specific to a DCFS region or unrelated to DCFS.

Complaints by DCFS Region for FY 2014 & FY 2015

Chart 4

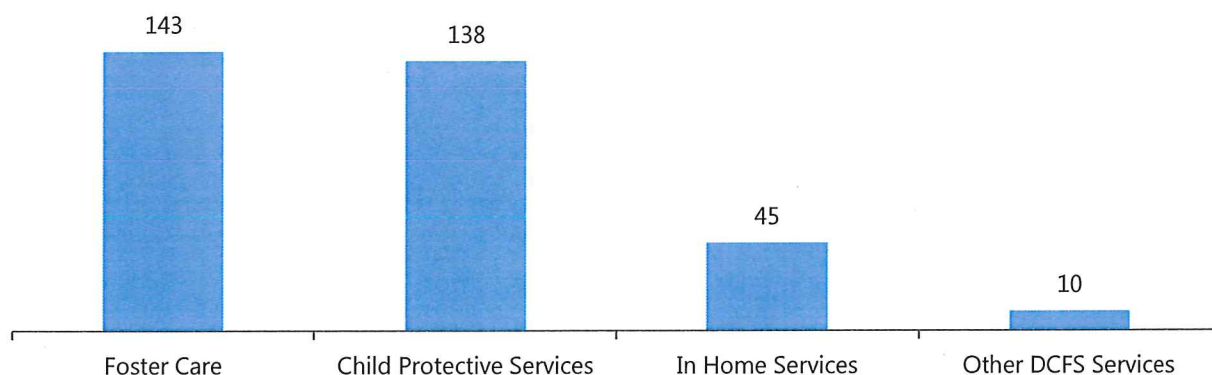


DCFS utilizes various services to fulfill their duties, which include Child Protective Services, Foster Care, and In-Home Services. During FY 2015, the Ombudsman's Office received 143 complaints about Foster Care cases, 138 complaints about Child Protective Services cases, 45 complaints regarding In-Home cases, and 10 complaints about all other DCFS services (Chart 5). OCPO also assisted 33 complainants whose concerns were unrelated to a specific DCFS caseworker or region by providing them with general child welfare information.

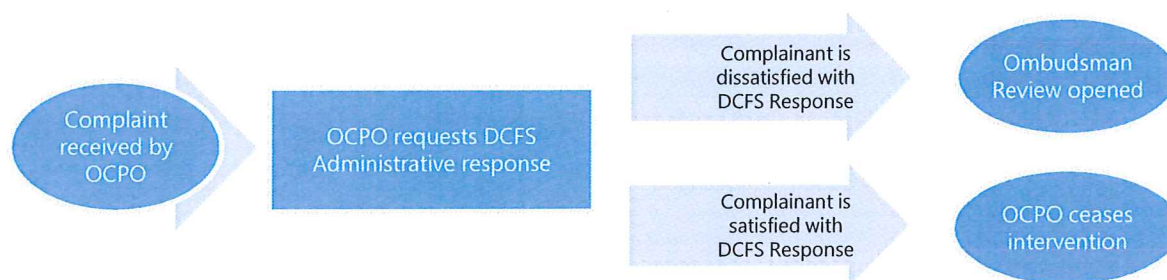
As illustrated in Chart 5, the total number of complaints (369) separated by DCFS Service Type exceeds the number of intakes received by the Ombudsman's Office, as reported in Charts 1 and 2 (356), because complaints about more than one service type may be included in a single intake. The Ombudsman's Office processed 11 intakes that included complaints about more than one service type.

Complaints by DCFS Service Type FY 2015

Chart 5



Each contact with the Ombudsman's Office is treated as though the expressed concerns might result in an investigation. The Intake Process is especially important to the complainant, as it gives that person an opportunity to share their story. During the initial contact with a complainant the Ombudsman's staff explains the following complaint process:



During the Intake Process the Ombudsman's staff explain that a complainant may request at any time that the Office cease or continue its intervention. Each course is described below:

Cease Ombudsman intervention:

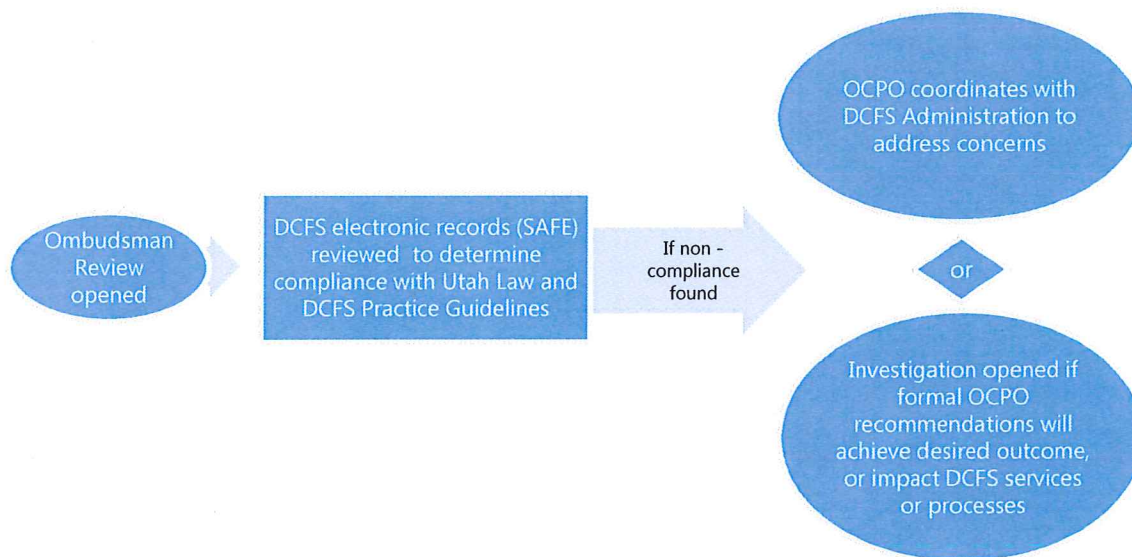
- Withdraw his/her complaint.
- Request to work directly with a DCFS representative.

Continue Ombudsman intervention:

- Request the Office gain a written response to the individual's concern from DCFS.
 - In these instances, the Ombudsman's Office staff member reviews the response with the complainant and inquires whether they desire an Ombudsman independent review or investigation.
- Request the Ombudsman's Office gather the information necessary to determine if further review of the case is warranted.
 - If the individual requests a review either outright or following the DCFS written response, the electronic case record is then typically evaluated by the Ombudsman staff member.
 - At the point of issuing findings from the case record review, the Ombudsman's Office notifies the complainant and will either take no further action or will accept the case for investigation.
- Request the Ombudsman's Office conduct an investigation.

OMBUDSMAN REVIEW

During FY 2015, OCPO completed 182 Ombudsman Reviews. An Ombudsman Review may occur under one of two circumstances: (1) when a complainant is not satisfied with the response from DCFS; or (2) when the Ombudsman's Office is concerned about an issue. In each instance, the Ombudsman's Office will proceed with an Ombudsman Review to determine the appropriate action to be taken. The following flowchart illustrates the process from Ombudsman Review to investigation:



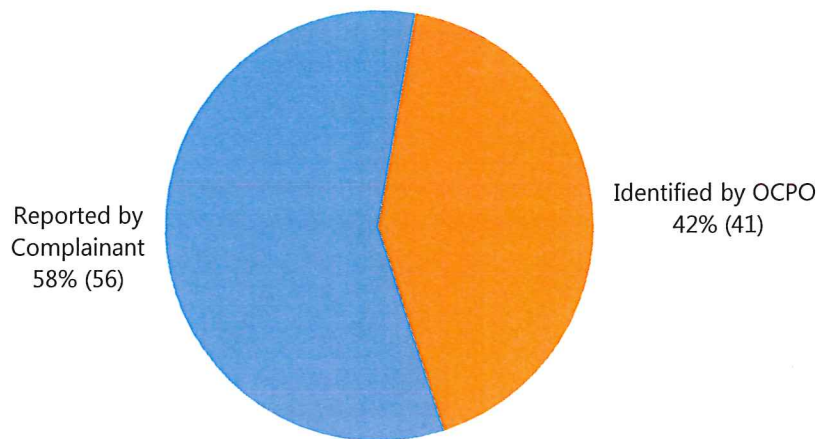
INVESTIGATIONS

During FY 2015, the Ombudsman's Office conducted 17 investigations. An investigation may contain multiple concerns. The Ombudsman's Office investigates to determine the validity of the concerns reported by a complainant or to address concerns identified by the Ombudsman's Office. When the Ombudsman's Office finds evidence to support a complainant's concern or finds documentation that DCFS did not act in accordance with Utah Law or DCFS Practice Guidelines, the concern is documented as a valid concern.

The 17 investigations completed in FY 2015 encompassed 97 individual concerns. Of these 97 concerns that were investigated, 58% (56) of the concerns were reported to the Ombudsman's Office by a complainant, and 42% (41) were identified by the Ombudsman's Office (Chart 6).

Source of Concerns Investigated FY 2015

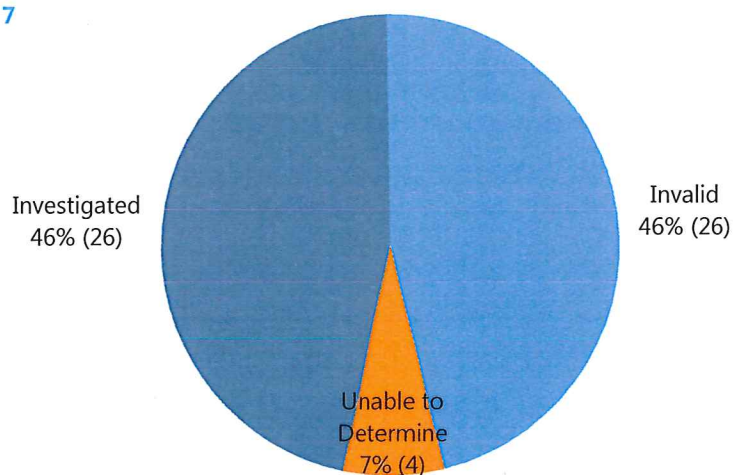
Chart 6



Regarding the 56 concerns reported to the Ombudsman's Office by the complainant, the Ombudsman's Office found 46% (26) of the complainant concerns to be valid and 46% (26) to be invalid. The Ombudsman's Office was unable to determine the validity of 7% (4) of the complainant concerns (Chart 7). A finding of "Unable to Determine" is made when there is no means by which the Ombudsman's Office can verify that a situation or concern occurred. For example, if a complainant expressed concern that a DCFS caseworker was rude, treated the complainant with disrespect, or made concerning statements during a conversation, the Ombudsman's Office would likely be unable to determine the validity of the complainant's concern, as the Ombudsman's Office may be unable to corroborate the alleged incident; however, DCFS would be notified of the concern in order to explore possible causes and to address it if necessary.

Validity of Complainant Concerns FY 2015

Chart 7



In addition to the 26 valid complainant concerns, the Ombudsman's Office also identified 41 concerns for a total of 67 valid findings. Of those 67 valid findings, 43 were related to services affecting the child and/or family, such as purposeful and sufficient Child and

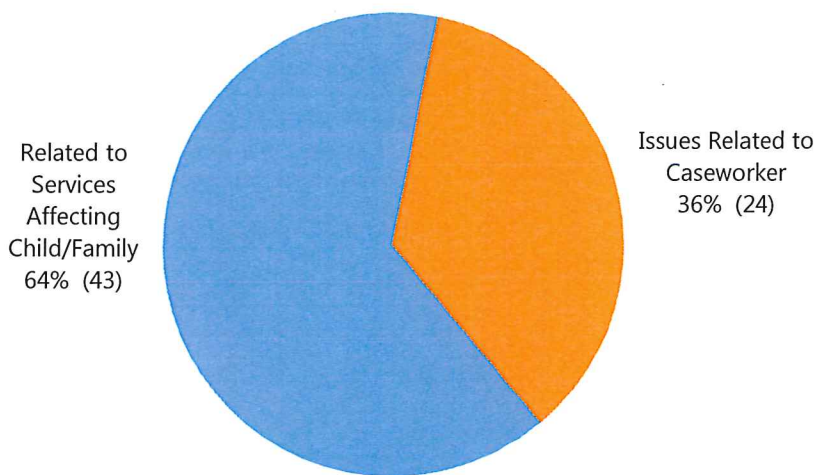
Family Team meetings, planning issues, reunification issues, and the provision of timely services. The remaining 24 findings were related to caseworker issues such as inadequate case activity documentation, professional competence regarding a caseworker's behavior, and confidentiality (Chart 8).

The following is a sample of concerns expressed by complainants which were found valid during FY 2015:

- A caseworker failed to ensure a family's compliance with the safety plan. In addition, the caseworker failed to comply with the Child and Family Plan by excluding the family from the children's therapy.
- A Child Protective Services worker released confidential information to a District Court Special Master in violation of Utah Law.
- After DCFS Administration reported that the use of polygraph examinations by caseworkers was an unacceptable practice, a DCFS supervisor offered a parent a polygraph examination in order to identify needed services.

Investigative Findings FY 2015

Chart 8



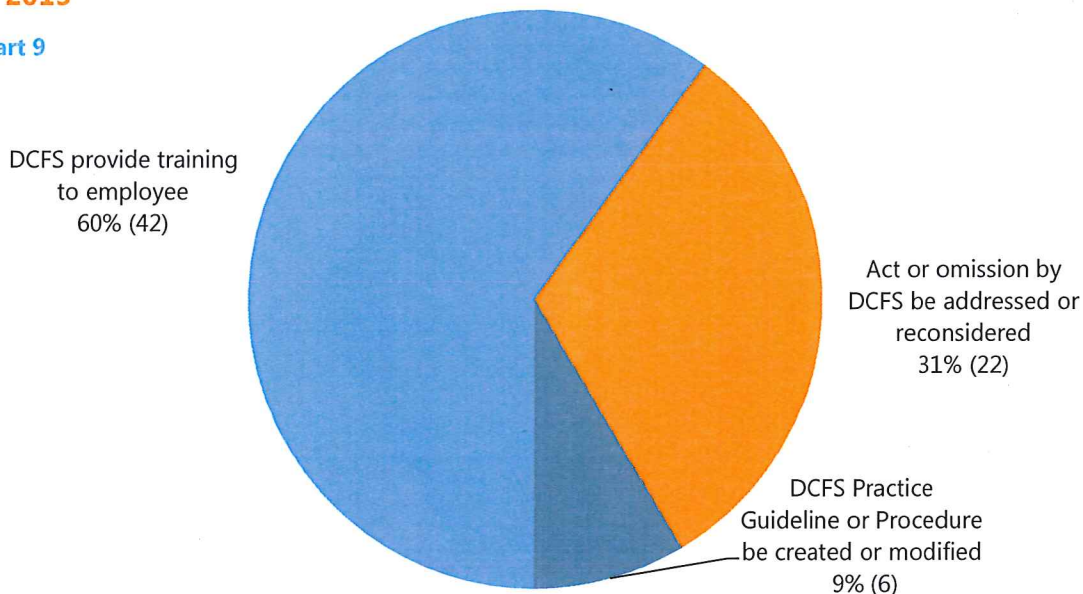
RECOMMENDATIONS

The Ombudsman's Office made a total of 70 recommendations to DCFS during FY 2015. DCFS either implemented or is implementing 94% (66 out of 70) of the recommendations. The Ombudsman's Office did not make a recommendation for every valid concern, and made multiple recommendations for some valid concerns; therefore, the number of valid concerns and number of recommendations are unequal.

The 70 recommendations included 42 recommendations that DCFS provide training and instruction to an employee in order to prevent similar oversights from happening in future cases. There were 22 recommendations that an act or omission by DCFS be addressed or reconsidered, and six recommendations that DCFS State or Regional Administration create or modify policy, processes or procedures (Chart 9).

Categories of Recommendations FY 2015

Chart 9



Again this year, the most recurring recommendation was that DCFS caseworkers receive training in regards to documenting information and casework activity in the case record. Below are a few of the recommendations made by the Ombudsman's Office addressing areas of needed training for individual caseworkers. In these examples, individual caseworkers were recommended to:

- Hold timely Child and Family Team Meetings.
- Cooperate with other agencies by complying with requests for information.
- Interview collateral contacts, including referents of Child Protective Services referrals.

The Ombudsman's Office made 22 recommendations that an act or omission by DCFS be addressed or reconsidered. The most common recommendations were related to the Child and Family Plan, team meetings, and child interviewing. Below are some of the other recommendations made during FY 2015:

- A caseworker offer services to a family to address risk issues.
- A caseworker submit an Interstate Compact for the Placement of Children (ICPC) request in order to place a child with their parent in another state.
- A caseworker request an extension of time from the juvenile court for a parent to complete services in order to reunify the child with their parent.

The Ombudsman's Office made six recommendations that DCFS State Administration create or modify policy, processes or procedures. Below are a few of the recommendations:

- Provide statewide education to caseworkers regarding the importance of incorporating the underlying needs to be addressed in therapy, and a description of the steps parents are expected to accomplish through the therapeutic process for successful reunification in the Child and Family Plan when counseling/therapy is identified as one of the family's goals.
- Provide for a parent to interrupt and voice their concerns about the attendance of an individual at a Child and Family Team Meeting when the parent is concerned about that individual receiving the parent's confidential information.

The Ombudsman's Office recommended in two separate cases that DCFS Regional Administration explore:

- The appropriateness of DCFS removing a child from their parent's custody during the Child and Family Team Meeting without warning in light of the Practice Model Principles of Engaging and Teaming.

A UNIQUE SERVICE FOR UTAH'S CITIZENS

The Ombudsman's Office is contacted by complainants who report their concerns on a variety of issues. Some complainants contact the Office with the hope that knowledgeable staff can help them, or they are seeking assurance that DCFS staff is handling their case appropriately. In some cases, the Ombudsman's staff can offer immediate assurance, as well as make recommendations for practice improvement in child welfare cases. The Ombudsman's Office is in a position to increase public confidence in child welfare and to strengthen the State's Division of Child and Family Services.